

CITY OF ROSENBERG

REGULAR COUNCIL MEETING MINUTES

On this the 20th day of January, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Scott Tschirhart	Attorney for the City
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Charles Kalkomey	City Engineer
Lisa Olmeda	Human Resources Director
Dallis Warren	Police Chief
Richard Hooper	Police Lieutenant
Anthony Schnacky	Police Sergeant
Matthew Curry	Police Officer
Tommy Havelka	Police Officer
Wade Goates	Fire Chief
Justin Jurek	Fire Marshal
Travis Tanner	Executive Director of Community Development
Randall Malik	Economic Development Director
Jeremy Heath	Assistant Economic Development Director
Angela Fritz	Executive Director of Information Services
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER.

Mayor Morales called the meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Reverend Jason Martin, Calvary Baptist Church, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF THE WILLIE D. MCQUEEN, JR. EMPLOYEE OF THE QUARTER AWARD.

Dallis Warren, Police Chief and Lisa Olmeda, Human Resources Director presented the Willie D. McQueen, Jr., Employee of the Quarter Award to Sergeant Anthony Schnacky and Officer Matthew Curry for their collective act of bravery in November to save a car accident victim from a burning

vehicle.

PRESENTATION OF CONTEST AWARD WINNERS AND SPONSORS OF THE KEEP ROSENBERG BEAUTIFUL 2014 CHRISTMAS LIGHTING AND DECORATING CONTEST BENEFITTING THE LORD'S KITCHEN.

- Bernard and Olga Cunda
 - Curtis Matheaus
 - Kelly Reznicek
 - Gubarra Family
 - Larry's Signs
 - Living Water Christian School
 - The Lord's Kitchen
- 1108 Elizabeth Avenue
1100 7th Street
Representing The Reserve at Brazos Town Center

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2014 BOO-BERG VOLUNTEERS.

Mayor Morales and Lydia Acosta, Recreation Programs Coordinator presented Certificates of Appreciation to 2014 Boo-Berg Volunteers:

- Annalee Machemehl
- Coastal Prairie Chapter Texas Mater Naturalists
- Girl Scout Troop 29064
- Kempner High School Interact Club
- Rosenberg Fire Department

PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2014 ROSENBERG CHRISTMAS NIGHTS VOLUNTEERS.

Mayor Morales and Lydia Acosta presented Certificates of Appreciation to 2014 Rosenberg Christmas Nights Volunteers:

- Annalee Machemehl
- Austin High School National Honor Society
- Girl Scouts 3503
- William Allen
- Melissa Dixon
- Julia Worley

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. CONSIDERATION OF AND ACTION ON REGULAR MEETING MINUTES FOR DECEMBER 16, 2014, AND REGULAR MEETING MINUTES FOR JANUARY 06, 2015.**

- B. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1902, A RESOLUTION AWARDDING A BID FOR THE PURCHASE OF A TRAILER-MOUNTED GENERATOR; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: As part of the continued effort to improve emergency response capabilities, the FY2015 Budget includes funding for the purchase of a second trailer-mounted generator for the Utilities Department. Staff has received proposals from the Houston-Galveston Area Council cooperative purchasing program (HGACBuy) for the purchase of one (1) trailer-mounted generator that is identical to the unit purchased in FY2013. Staff is recommending the purchase of a Kohler 210 KW generator from Loftin Equipment Company, Inc., located in Houston, Texas, through the HGACBuy program. The total cost of the trailer-mounted generator is \$75,818.00, including HGAC administrative fees. Funding is allocated for this purchase in the FY2015 Budget.

Staff recommends approval of Resolution No. R-1902, a Resolution authorizing the City Manager to execute appropriate documents and/or agreements regarding same. Should City Council award the purchase to Loftin Equipment Company, Inc., the proposal for the trailer-mounted generator will be added to Resolution No. R-1902 to serve as Exhibit "A".

Item B was moved to the Regular Agenda as Item 2A.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Item A on the Consent Agenda. The motion carried by a unanimous vote.

REGULAR AGENDA

- 2A. **Item 2A was formerly Item B on the Consent Agenda.**

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1902, A RESOLUTION AWARDDING A BID FOR THE PURCHASE OF A TRAILER-MOUNTED GENERATOR; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.

Executive Summary: As part of the continued effort to improve emergency response capabilities, the FY2015 Budget includes funding for the purchase of a second trailer-mounted generator for the Utilities Department. Staff has received proposals from the Houston-Galveston Area Council cooperative purchasing program (HGACBuy) for the purchase of one (1) trailer-mounted generator that is identical to the unit purchased in FY2013. Staff is recommending the purchase of a Kohler 210 KW generator from Loftin Equipment Company, Inc., located in Houston, Texas, through the HGACBuy program. The total cost of the trailer-mounted generator is \$75,818.00, including HGAC administrative fees. Funding is allocated for this purchase in the FY2015 Budget.

Staff recommends approval of Resolution No. R-1902, a Resolution authorizing the City Manager to execute appropriate documents and/or agreements regarding same. Should City Council award the purchase to Loftin Equipment Company, Inc., the proposal for the trailer-mounted generator will be added to Resolution No. R-1902 to serve as Exhibit "A".

Key discussion points:

- John Maresh, Assistant City Manager of Public Services read the Executive Summary regarding the item and explained the generator will be used for running the lift station.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve Resolution No. R-1902, a Resolution awarding a bid for the purchase of a trailer-mounted generator; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote.

2. **REVIEW AND DISCUSS POTENTIAL APPOINTMENT OF A CHARTER REVIEW COMMITTEE, AND TAKE ACTION AS NECESSARY.**

Executive Summary: This Agenda item has been included to allow City Council the opportunity to discuss the potential appointment of a Charter Review Committee.

Key discussion points:

- Councilor Benton stated Charter changes can be made with the May election. He asked Council to discuss the establishment of a committee to review the Charter to make any changes needed. He suggested that each Councilor appoint a member to make up a seven member committee.
- The general consensus of Council was to establish a Charter Review Committee.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to form a Charter Review Committee. The motion carried by a unanimous vote.

Further discussion:

- Robert Gracia stated for clarification the names of potential committee members will be sent to his office.
- Councilor Benton stated each Councilor has the privilege to submit one name.
- Scott Tschirhart, Attorney for the City stated it would be beneficial if some parameters were set on what Council wants from the Committee.

Action: Councilor Benton amended the motion, seconded by Councilor McConathy to require applicants to be a resident of the City of Rosenberg. The motion carried by a unanimous vote.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1903, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AMENDMENT NO. 5 TO THE TOWN CENTER, ROSENBERG, TEXAS DEVELOPMENT AGREEMENT, BY AND BETWEEN THE CITY AND A-S 70 HWY 59-FM 762, L.P., A TEXAS LIMITED PARTNERSHIP.**

Executive Summary: On September 30, 2014, Resolution No. R-1860 for the Amendment No. 5 to the Brazos Town Center Development Agreement, generally concerning multi-family development of the 10.8 acre tract located at the intersection of Town Center Boulevard and Vista Drive, received only three (3) votes in favor and therefore did not pass. Councilor Benton requested that this item again be placed on a City Council Agenda in January for further discussion and consideration. For clarity, staff has assigned a new Resolution number, Resolution No. R-1903, so City Council may discuss and reconsider Amendment No. 5, attached thereto as Exhibit "A". Provided for reference below is the executive summary from the item originally presented to City Council in September:

NewQuest Properties, the developer of Brazos Town Center, has requested a fifth amendment to their Development Agreement and Conceptual Plan. The proposed Amendment No. 5 and Revised Exhibit "B," Conceptual Plan, involves one (1) tract. An aerial/vicinity map is attached to the previous Agenda item for reference:

1. The vacant 10.8-acre tract located at the intersection of Town Center Boulevard and Vista Drive and currently designated for office development on the approved Land Plan.

The developer proposes to develop the 10.8-acre tract as 234 apartment units. City ordinances contain a number of requirements with which the project would not comply, including the number of parking spaces, density (14 units per acre maximum), maximum of 200 units, and two (2) story maximum height. To compensate for not meeting these requirements, pursuant to the Planned Unit Development (PUD) provisions of the "Subdivision" Ordinance, the developer proposes the following standards be added to the Development Agreement:

- Said multifamily development shall be at least seventy (70) percent masonry exterior;
- Said multifamily development shall be comprised of no more than two hundred thirty-four (234) units, at least seventy-five (75) percent of which have direct attached garages, and at least sixty (60) percent of which are one-bedroom;
- Maximum density of twenty-two (22) units per acre;
- Maximum overall height of three (3) stories, and maximum height of two (2) stories for buildings fronting on Town Center Boulevard and Vista Drive rights-of-way;
- Minimum parking ratios of 1.5 spaces per one-bedroom unit, two (2) spaces per two-bedroom unit, and 2.5 spaces per three-bedroom unit; and,
- Site to consist of a minimum of fifteen (15) percent landscaping, open space, and amenities (including amenity center, gym, and pool).

At the regular meeting on September 17, 2014, by a vote of 4-2, the Planning Commission recommended approval to City Council of Amendment No. 5 to the Town Center, Rosenberg, Texas Development Agreement. Amendment No. 5 is attached as Exhibit "A" to Resolution No. R-1860.

Key discussion points:

- Travis Tanner, Executive Director of Community Development gave an overview of the item. The Planning Commission approved the plan on September 17, 2014, by a vote of 4 to 3 to recommend approval to Council.
- Council expressed their approval and/or disapproval of the item.
- Councilor Euton stated she originally voted this down. She has concerns with it fronting on Vista and there are two on the Vista side already. NewQuest has been given numerous variances and a lot of concessions have been made to this developer.

Action: Councilor Pena made a motion, seconded by Councilor Grigar to approve Resolution No. R-1903, a Resolution authorizing the City Manager to execute, for and on behalf of the City, Amendment No. 5 to the Town Center, Rosenberg, Texas Development Agreement, by and between the City and A-S 70 Hwy 59-FM 762, L.P., a Texas Limited Partnership as laid out.

Further discussion:

- Ryan Sweeny of NewQuest Properties spoke on behalf of Steve Alvis.
- Mayor Morales stated Councilor Euton had a concern about the existing three story versus what you are doing.
- Ryan Sweeny explained this project is not being proposed as a development by NewQuest Properties. This would be contracted to a third party multi-family developer. What you see is a land plan that gives a particular idea but it is possible it will change some only if it abides with what Council approves today. The land planner may not be aware of the constraints we are putting on this project today.
- Mayor Morales commented that one of those projects was existing prior to PUD coming in.
- Ryan Sweeny stated that is correct. 1301 Place is what it was renamed but it went through foreclosure and it was purchased by an out of state entity and it was purchased again. Now it is really a lot better than it used to be. Now we have two Class A projects adjacent to each other and this would be the third and the highest quality project of the three.
- Travis Tanner commented on the conflict between conceptual plan and the number of stories quoted in the Development Agreement. If the Development Agreement conflicts with the rendering, the most restrictive will govern the project.
- Councilor Benton stated for clarification that Council is approving this contingent to this agreement.

Upon voting the motion carried by a vote of 6 to 1 as follows: Yeses: Mayor Morales, Councilors Benton, McConathy, Pena, Grigar and Barta. No: Councilor Euton.

4. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2015-02, AN ORDINANCE PROVIDING FOR THE DISANNEXATION FROM THE CORPORATE BOUNDARIES OF THE CITY OF THAT CERTAIN 82.7 ACRES, MORE OR LESS, IN THE WILEY MARTIN SURVEY, ABSTRACT 56, FORT BEND COUNTY, TEXAS (FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 184), PURSUANT TO THE PETITION FOR DISANNEXATION; ADJUSTING THE BOUNDARIES OF COUNCIL DISTRICT NO. 4 TO EXCLUDE THE TRACT DISANNEXED HEREBY, CONTAINING CERTAIN FINDINGS, PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Executive Summary: On August 26, 2014, City Council consented to the creation of Fort Bend County Municipal Utility District No. 184. Related Development and Utility Agreements were approved on the same date. City Council will recall that, while the majority of the 500+ acre tract is located in the Extraterritorial Jurisdiction (ETJ), there is a 500' strip of the City Limits that runs through the property along Dry Creek. The strip was annexed in 1985.

The developer has approached City staff with a petition regarding the City disannexing all but a 10' strip of the City Limits in their development. This is best depicted in the attached vicinity map. Much of the property is in the creek and therefore in the floodplain and/or floodway. It also appears

based on staff's research that the City's portion of the taxes levied on this tract for 2014 is only approximately \$108. The advantage to the developer of the City disannexing the majority of the tract is that the District can sell bonds more quickly to reimburse the developer because the Texas Commission on Environmental Quality (TCEQ) will not consider the City's tax rate on top of the District's tax rate when they approve bond issuance.

It is also advantageous to both the City and the developer to not have lots and streets in the development in multiple jurisdictions. This would otherwise have the potential to cause confusion as to what entity (City or County) is responsible for maintenance, emergency response, and other issues. Additionally, keeping 10' of City Limits, as opposed to releasing the City Limits altogether, avoids the potential for our ETJ being reduced now or at any point in the future.

Finally, in many cases, disannexation may result in the City having to refund taxes collected to the landowner per Chapter 43 of the Texas Local Government Code. However, in this case, the landowner has acknowledged through their petition that "the amount of property taxes and fees collected by the City during the time the land has been located within the City is less than or equal to the amount of money that the City has spent for the direct benefit of the land during that same period."

City staff has reviewed the requested disannexation and has no objections. Therefore staff recommends approval of Ordinance No. 2015-02.

Key discussion points:

- Travis Tanner gave a brief overview of the property. This is Fort Bend County Municipal Utility District (MUD) No. 184 and is over 500 acres. The development came before Council in August 2014 and the item was for Council consenting to the creation of the utility district which Council did at that time. Council also approved the development and utility agreements. It was discussed in detail that the property is mostly in extra territorial jurisdiction (ETJ). There is about a 500' wide strip of City limits that runs through the property which directly abuts Dry Creek. That tract was annexed by the City in 1985. A lot is in the flood plain because the City limit consists of the creek bottom. At this time, the developer has petitioned the City for disannexation of all but a 10' strip of the City limits that is inside their development.
- The reason they have requested this is that it makes it easier for the utility district to sell bonds to reimburse the developer since the City's tax rate will not be taken into consideration with the other entities so all the development will occur in the ETJ and not the City limits. It also avoids having lots or reserves or pieces of property in their development that cross over into multiple jurisdictions.
- Not having lots in multiple jurisdictions benefits us as well. We would like to avoid confusion from a permit point. This would also avoid confusion to the maintenance of streets as well as emergency response to these streets. The City's portion of the 2014 taxes levied on this property is just over \$100.00. Keeping the 10' strip avoids the City's ETJ being reduced now or in the future. Under state law pertaining to annexation and disannexation, the disannexation could result in the City having to refund tax revenue collected if that tax revenue is above and beyond the services being provided to that area. In this case, the developer has waived the right to any refund. Staff recommends approval of this ordinance.

Questions/Comments:

Q: Councilor Grigar asked if that is a 500' strip now.

A: It is 500' now because of the rules that were in effect when it was annexed by the City. Now it would have to be 1,000' if the City reached into that area.

Q: What is the ultimate right of way of Dry Creek, is it less than the 500'?

A: Yes.

Q: Is that the reason to reduce this to the 10' strip?

A: Yes. They are reducing it to where the City limits does not encompass any developable property, but it does not reduce our ETJ.

Q: Why don't we reduce this 500' down to just the confines of the ultimate right of way of Dry Creek?

A: That could be an option. This is what we were presented with and we did not have any objections to it. This petition basically came from the developer and it was reviewed by the Attorney for the City.

A: Charles Kalkomey, City Engineer stated he does not think it makes any difference. Ten feet was the number they presented it could have been 250' or 300' but he does not think it interferes with their development in any way because they are not doing anything inside the easement.

C: Councilor Grigar stated he would rather see instead of the 10' the ultimate right of way width.

C: Clayton Black, developer explained the reason for the 10' is that there are a couple of road crossings over the channel and they were trying to limit the exposure of the City to road way maintenance crossing this strip. There would be a 10' strip that remains but if you go wider than that there is potential of overlap of maintenance between the City and county on the road crossing the channel. It makes no difference from the standpoint of the development.

C: Charles Kalkomey stated the bridge either belongs to the county or the City to maintain. From the City's ETJ protection it makes no difference.

Action: Councilor McConathy made a motion, seconded by Councilor Barta to approve Ordinance No. 2015-02, an Ordinance providing for the disannexation from the corporate boundaries of the City of that certain 82.7 acres, more or less, in the Wiley Martin Survey, Abstract 56, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 184), pursuant to the petition for disannexation; adjusting the boundaries of Council District No. 4 to exclude the tract disannexed hereby, containing certain findings, providing for non-severability; and establishing an effective date. The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1898, A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, AN AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR THE OLD RICHMOND ROAD AND JENNETTA STREET RECONSTRUCTION PROJECT, BY AND BETWEEN THE CITY AND CIVILCORP, LLC, IN THE AMOUNT OF \$177,262.00.**

Executive Summary: The FY2014 Capital Improvement Project list approved by City Council on September 17, 2013, included the reconstruction of Old Richmond Road. On October 15, 2013, City Council approved Resolution No. R-1705, which approved the reconstruction of Old Richmond Road and Jennetta Street, including necessary drainage improvements with the participation of Fort Bend County Road and Bridge. To date, the Public Works Department has replaced all drainage culverts and is in the process of cleaning the drainage ditches. However, Fort Bend County Road and Bridge has not been able to schedule the roadway reconstruction due to their workload.

In an effort to move the project forward, staff has obtained an Engineering Services Proposal from CivilCorp, LLC, which is the firm initially selected by City Council on October 24, 2012, to design this project. Per the proposed Engineering Services Agreement (Agreement), the existing roadways will be reconstructed by removing the existing asphalt pavement and base material. Flexible base material will be placed on a treated subgrade, with a hot mix asphalt overlay to create a 22 to 24 feet wide pavement section. An alternate bid will also be received for the use of concrete pavement in-lieu of the flexible base and asphalt. The design phase will also evaluate the addition of left-turn lanes at select intersections and the potential need for additional right-of-way in order to construct turn lanes. Drainage system improvements for the dead end portion of Avenue F, east of Jennetta Street are currently not included in this engineering scope of services, but could be added at a later date by amending the scope of services, or by entering into a separate agreement.

The 2013 Certificates of Obligation allocated \$500,000.00 for this Project, which is sufficient to fully fund the drainage work being performed by Public Works and the engineering design. Remaining funds could be used toward the construction phase. The preliminary construction cost estimate is \$1.8 million and it is anticipated the Rosenberg Development Corporation (RDC) will provide the remaining funding required for construction of said improvements.

Staff is recommending approval of Resolution No. R-1898. The Resolution will authorize the City Manager to negotiate and execute an Engineering Services Agreement for the Old Richmond Road and Jennetta Street Reconstruction Project, by and between the City and CivilCorp, LLC, in the amount of \$177,262.00.

Key discussion points:

- John Maresh gave an overview of the item.

Questions/Comments:

C: Councilor McConathy commented this is not just funding for engineering services but actual participation by CivilCorp during the project.

Q: Councilor Benton asked - Are we not working with the county on this?

A: The county has not been able to fit this into their project.

Q: We have a City Engineer. Why do we have to go with another company?

A: The City Engineer reviews and inspects.

Q: Has the RDC discussed this and have we had this at a workshop?

A: Yes, several times.

Q: Councilor Barta asked - What services will the engineer provide?

A: Full design services, attending the bids and RFI during the construction phase and review change orders, etc.

C: Councilor Grigar stated this has been on the CIP list for several years and is needed.

C: Councilor Pena stated we need to do this and it has been the policy to bandaid a problem. Engineering is required to look at a road. He totally supports the project.

C: John Maresh added this will go out to bid and the County is not equipped to do this in their normal scope. If the County assisted us there would be no design and they would only resurface.

Action: Councilor Grigar made a motion, seconded by Councilor Pena to approve Resolution No. R-1898, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, an Agreement for Engineering Design Services for the Old Richmond Road and Jennetta Street Reconstruction Project, by and between the City and CivilCorp, LLC, in the amount of \$177,262.00. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1899, A RESOLUTION AWARDDING BID NO. 2014-16 FOR CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS ALONG US HIGHWAY 59/I-69; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: Bids were received on Wednesday, November 05, 2014, for construction of the Sanitary Sewer Improvements along US 59/I-69, necessary to relocate an existing sanitary sewer line between Bamore Road and Fairgrounds Road that is in conflict with the US 59/I-69 expansion project. A total of four (4) bids were opened and tabulated as indicated on the bid summary form.

Staff recommends Bid No. 2014-16 be awarded to Triple B Services, L.L.P., for the Base Bid amount of \$250,000.00. Correspondence from Charles Kalkomey, City Engineer, recommends same. Should the bid be awarded as recommended, the proposal from Triple B Services, L.L.P., will be attached and serve as Exhibit "A" to Resolution No. R-1899. The contract time is 90 calendar days.

The US 59/I-69 Utility Adjustments are included in the FY2015 Capital Improvement Plan approved by City Council on June 17, 2014. The Texas Department of Transportation (TxDOT) Utility Agreements previously approved by City Council will allow for full reimbursement of the costs related to relocation of said sanitary sewer line.

Staff recommends approval of Resolution No. R-1899 which will award Bid No. 2014-16 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1899, a Resolution awarding Bid No. 2014-16 for construction of Sanitary Sewer Improvements along US Highway 59/I-69; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried

by a vote of 6 to 1 as follows: **Yeses: Mayor Morales, Councilors McConathy, Pena, Euton, Grigar and Barta. No: Councilor Benton.**

7. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1901, A RESOLUTION AWARDDING BID NO. 2015-04 FOR STREET SWEEPING SERVICES; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, A GENERAL SERVICES CONTRACT RELATED THERETO, AND/OR ALL OTHER NECESSARY DOCUMENTATION REGARDING SAME.**

Executive Summary: On Wednesday, January 07, 2015, bids were received and opened for the City of Rosenberg (City) Street Sweeping Services Contract. One (1) bid was received. The bid documents were published in the newspaper, placed on the City's website and staff also emailed bid documents to six (6) contractors.

A summary of the bid is attached for your review. Kustom Sweeping, LLC, submitted the only bid in the base amount of \$75,256.92 for twelve (12) monthly street sweeping cycles covering 102.81 curb miles at \$61.00 per curb mile and an alternate bid item in the amount of \$23,223.00 for four (4) additional street sweeping cycles during the months of November through February covering 77.41 curb miles at \$75.00 per curb mile. The total bid including the alternate sweeping is \$98,479.92 for a one-year term. Kustom Sweeping, LLC, is currently providing the street sweeping services for the City at a base rate of \$55.00 per curb mile and the work is being performed in an acceptable manner. The FY2015 Budget allocated \$104,045.00 for the Street Sweeping Services Contract.

Staff recommends approval of Resolution No. R-1901, awarding Bid No. 2015-04 to Kustom Sweeping, LLC, in the amount of \$98,479.92 for the Street Sweeping Services Contract, base bid and alternate bid for a one (1) year term effective February 01, 2015; and authorizing the City Manager to negotiate and execute all required documentation.

Key discussion points:

- John Maresh gave an overview of the item.

Questions/Comments:

C: Councilor McConathy stated the street sweepers need to use more water to hold down the dust.

Q: Councilor Benton asked how many days out of the month are the machines in Rosenberg.

A: Four times a week every week. The weather dictates a lot of this.

Q: Councilor Grigar agreed with the need for more water usage to hold down dust. What are the procedures for the gallons of usage? Have they done usage to record?

A: They coordinate with the Public Works Supervisor for water usage. The personnel in the field has usage.

C: Councilor Grigar requested records for water usage.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1901, a Resolution awarding Bid No. 2015-04 for Street Sweeping Services; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, a General Services Contract related thereto, and/or all other necessary documentation regarding same. The motion carried by a unanimous vote.

8. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1908, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE CROSSING AGREEMENT RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND UNION PACIFIC RAILWAY COMPANY, IN THE AMOUNT OF \$7,200.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline Crossing Agreement (Agreement) from each railroad for each individual line. This particular Agreement is with the Union Pacific Railroad Company for access upon their premises. The Agreement will allow for the installation of a 24-inch HDPE sanitary sewer line inside an existing metal casing.

Staff and the City Attorney have reviewed the Pipeline Crossing Agreement and recommend

approval of Resolution No. R-1908 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor McConathy made a motion, seconded by Councilor Benton to approve Resolution No. R-1908, a Resolution authorizing the City Manager to execute a Pipeline Crossing Agreement related to the 2014 Sanitary Sewer Pipebursting Project, by and between the City and Union Pacific Railway Company, in the amount of \$7,200.00. The motion carried by a unanimous vote.

9. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1909, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE CROSSING AGREEMENT RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND UNION PACIFIC RAILWAY COMPANY, IN THE AMOUNT OF \$7,200.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline Crossing Agreement (Agreement) from each railroad for each individual line. This particular Agreement is with the Union Pacific Railroad Company for access upon their premises. The Agreement will allow for the installation of a 12-inch HDPE sanitary sewer line inside an existing metal casing.

Staff and the City Attorney have reviewed the Pipeline Crossing Agreement and recommend approval of Resolution No. R-1909 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1909, a Resolution authorizing the City Manager to execute a Pipeline Crossing Agreement related to the 2014 Sanitary Sewer Pipebursting Project, by and between the City and Union Pacific Railway Company, in the amount of \$7,200.00. The motion carried by a unanimous vote.

10. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1910, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE CROSSING AGREEMENT RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND UNION PACIFIC RAILWAY COMPANY, IN THE AMOUNT OF \$7,200.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline Crossing Agreement (Agreement) from each railroad for each individual line. This particular Agreement is with the Union Pacific Railroad Company for access upon their premises. The Agreement will allow for the installation of a 16-inch HDPE sanitary sewer line inside an existing metal casing.

Staff and the City Attorney have reviewed the Pipeline Crossing Agreement and recommend approval of Resolution No. R-1910 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to approve Resolution No. R-1910, a Resolution authorizing the City Manager to execute a Pipeline Crossing Agreement related to the 2014 Sanitary Sewer Pipebursting Project, by and between the City and Union Pacific Railway Company, in the amount of \$7,200.00. The motion carried by a unanimous vote.

11. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1911, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE LICENSE RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND BNSF RAILWAY COMPANY, IN THE AMOUNT OF \$4,150.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline License (License) from each railroad for each individual line. This particular License is with the BNSF Railway Company for access upon their premises. The License will allow for the installation of a 12-inch HDPE sanitary sewer line.

Staff and the City Attorney have reviewed the Pipeline License and recommend approval of Resolution No. R-1911 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor McConathy made a motion, seconded by Councilor Grigar to approve Resolution No. R-1911, a Resolution authorizing the City Manager to execute a Pipeline License related to the 2014 sanitary sewer Pipebursting project, by and between the city and BNSP Railway Company, in the amount of \$4,150.00. The motion carried by a unanimous vote.

12. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1912, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE LICENSE RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND BNSF RAILWAY COMPANY, IN THE AMOUNT OF \$4,150.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline License (License) from each railroad for each individual line. This particular License is with the BNSF Railway Company for access upon their premises. The License will allow for the installation of a 24-inch HDPE sanitary sewer line inside an existing 42-inch metal casing.

Staff and the City Attorney have reviewed the Pipeline License and recommend approval of Resolution No. R-1912 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Grigar made a motion, seconded by Councilor Barta to approve Resolution No. R-1912, a Resolution authorizing the City Manager to execute a Pipeline License related to the 2014 sanitary sewer Pipebursting project, by and between the city and BNSP Railway Company, in the amount of \$4,150.00. The motion carried by a unanimous vote.

13. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1913, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PIPELINE LICENSE RELATED TO THE 2014 SANITARY SEWER PIPEBURSTING PROJECT, BY AND BETWEEN THE CITY AND BNSF RAILWAY COMPANY, IN THE AMOUNT OF \$4,150.00.**

Executive Summary: The 2014 Sanitary Sewer Pipebursting Project includes the replacement of three (3) separate aging collection system lines crossing both the BNSF and Union Pacific railroad rights-of-way (ROW) between Avenue F and Avenue E. As a requirement of crossing railroad ROW, the City must execute a separate Pipeline License (License) from each railroad for each individual line. This particular License is with the BNSF Railway Company for access upon their premises. The License will allow for the installation of a 16-inch HDPE sanitary sewer line inside an existing 26-inch metal casing.

Staff and the City Attorney have reviewed the Pipeline License and recommend approval of Resolution No. R-1913 as presented.

Key discussion points:

- John Maresh gave an overview of the item.

Action: Councilor Barta made a motion, seconded by Councilor McConathy to approve Resolution No. R-1913, a Resolution authorizing the City Manager to execute a Pipeline License related to the 2014 sanitary sewer Pipebursting project, by and between the city and BNSP Railway Company, in the amount of \$4,150.00. The motion carried by a unanimous vote.

14. **HOLD EXECUTIVE SESSION TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE CITY MANAGER PURSUANT TO SECTION 551.074 OF THE TEXAS GOVERNMENT CODE.**

An Executive Session was held to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager pursuant to Section 551.074 of the Texas Government Code.

15. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

Mayor Morales adjourned the Executive Session and reconvened into Regular Session at 9:07 p.m.

16. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1914, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN EMPLOYMENT AGREEMENT, BY AND BETWEEN THE CITY AND ROBERT GRACIA TO SERVE AS CITY MANAGER.**

Executive Summary: Resolution No. R-1914 provides authorization for the Mayor to execute an Employment Agreement with Robert Gracia for his service in the position of City Manager. The Employment Agreement will serve as Exhibit "A" to Resolution No. R-1914.

Staff recommends approval of Resolution No. R-1914, as presented.

Action: Councilor Barta made a motion, seconded by Councilor Grigar to approve Resolution No. R-1914, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Employment Agreement, by and between the City and Robert Gracia to serve as City Manager. The motion carried by a unanimous vote.

17. **ANNOUNCEMENTS.**

- Councilor McConathy announced the recognition given to the Master Gardeners and Fort Bend Green at the HGAC Board Meeting.

18. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 9:09 p.m.


Linda Cernosek, TRMC, City Secretary